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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,423	03/01/2002	Josef Rabinovitz	RABIN#3	8167

7590 05/05/2004
W. Edward Johansen
11661 San Vicente Boulevard
Los Angeles, CA 90049

EXAMINER

LEA EDMONDS, LISA S

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,423

Applicant(s)

RABINOVITZ, JOSEF

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10 is/are rejected.
- 7) ☒ Claim(s) 11-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 10, line 8, wherein applicant claims "a pair of guide rail guides rails". This is unclear to the examiner of record. Does applicant have a pair of guide rail or a pair of guides rails? Also, claim 10 recites the limitation "the guide rail disposed inside said casing" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 2, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. (6018456). With respect to claims 10, 2, 4, and 7, as best understood, Young et al. teaches a peripheral computer enclosure comprising: a casing (10) having an open front and a back wherein said casing has at least one compartment that has a rectangular cross-section and a depth; a u-shaped tray (70) having a rectangular cross-section and a depth which are slightly less than the rectangular cross-section and the depth of said compartment, respectively, and also having a pair of side walls (72) whereby said u-shaped tray (70) is able to slide freely, but snugly, into said compartment of said casing (10); a pair of guides rails (75) each of which is

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mechanically coupled to said side walls (72) of said u-shaped tray walls whereby said guide rails (75) of said u-shaped tray (70) slides freely, but snugly, into said compartment on the guide rail (14) disposed inside said casing (10); a storage devices (71) wherein said storage device (71) is disposed in said u-shaped tray (70); a back plane (20) disposed in said casing (10) wherein said back plane (20) interconnects said storage device (71); a power supply (34, 35) disposed in said casing (10); and a blower (34a) disposed in said casing (10), wherein said peripheral computer enclosure includes a controller cards (column 4 lines 53-57) that is connected to said back plane (20), wherein said controller card (column 4 lines 53-57) **can be** networked by a side riser card and four peripheral component-interconnect cards and wherein said peripheral component-interconnect cards are selected from a group consisting of computer cards, network cards, rate controller cards and memory cards as claimed. With respect to claim 4, the limitations following "**can be**", it has been held that the recitation that an element **can** perform a function is not a positive limitation but only requires that ability to so perform. It does not constitute a limitation in any patentable sense.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (6018456) as applied to the claims above, and further in view of Schultz et al. (5995376). With respect to claims 3, 8, and 9, the apparatus of Young et al. teaches the invention as set forth by claim10 (see the above 102 rejection), however, Young et al. lacks a

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teaching of the peripheral computer enclosure including a personality board that is connected to said back plane as claimed. The apparatus of Schultz et al. is relied upon for its teaching of a peripheral computer enclosure (102) including personality boards (160) that is connected to a back plane (see for example figure 8 and column 5 line 57 through column 6 line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Schultz et al into the apparatus of Young et al. to aid in selectively routing signals on the back plane to enable one of a plurality of connectors. With respect to claim 6, the limitations following "can be", it has been held that the recitation that an element can perform a function is not a positive limitation but only requires that ability to so perform. It does not constitute a limitation in any patentable sense.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. in view of Schultz et al. further in view of Lash et al. (6363450). With respect to claim 5, the apparatus of Young et al. teaches the invention as set forth by claim 10 (see the above 102 rejection), however, Young et al. lacks a teaching of the peripheral computer enclosure including a personality board that is connected to said back plane with a side riser card that provides two controller cards as claimed. The apparatus of Schultz et al. is relied upon for its teaching of a peripheral computer enclosure (102) including personality boards (160) that is connected to a back plane (see for example figure 8 and column 5 line 57 through column 6 line 3). The apparatus of Lash et al. is relied upon for its teaching of a side riser card (100). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Schultz et al. into the apparatus of Young et al. to aid in selectively routing signals on the back plane to enable one of a plurality of connectors and the teachings of Lash et al. to increase the number of cards usable in the compact peripheral computer enclosure.

Allowable Subject Matter

7. Claims 11-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: as to claims 11-19, patentability resides, at least in part in, the peripheral computer enclosure including a light pipe system as claimed, in combination with the other limitations of the claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

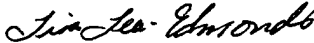
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lisa Lea-Edmonds
Primary Examiner
Art Unit 2835